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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,575	03/04/2005	Jeon Ho Ha	20040.00008	3816

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EXAMINER	
WHITE, RODNEY BARNETT	
ART UNIT	**PAPER NUMBER**
3636	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/526,575	HA, JEON HO	
	Examiner	Art Unit	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the Abstract, line 1, Applicant uses the word “invention” which is improper language for the Abstract. Correction is required.

Claim Objections

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-15, line 1, the term "pelvis remedial seated device" is unclear language. Should the word "seated" have been - - seating - - instead? On line 2 of claim 1, the phrase "a seat 10 included a seat cushion" is unclear and confusing language. Should the word "included" have been - - including - - instead?

In claim 2, line 2, what does applicant mean by "demountably"?

In claim 6, it is unclear of the Applicant intends to claim the "pelvis remedial seated device" in combination with the "chair". The chair is not part o he invention not is it the Applicant's invention. However, the claims reads as if Applicant is claiming the "pelvis remedial seated device" in combination with the "chair".

In claim 7, line 2, should the word "detached" be - - detachable - - instead? On line 3, "the central bottom" lacks antecedent basis. Should Applicant have worded it as - - the seat cushion (11) having a bottom, a centrally located, transversely extending rail (61) is installed on the bottom of the seat cushion (11) On line 3, "the each" should be "each".

In claim 10, line 2, the language "during no occupant's seating" is unclear and confusing language. Does the Applicant mean - - when the seat cushion is unoccupied - - instead? On line 3, "the light", "the running", "the commend" all lack antecedent basis.

In claim 11, "the commend" lacks antecedent basis.

In claim 14, "the running duration" lacks antecedent basis.

Regarding claim 15, the phrase "such as" on line 3, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 18, the phrase "a type of" on line 3, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The aforementioned problems render the claim vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, and 6, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Urban (U.S. Patent No. 4,145,083).

Urban teaches a pelvis remedial seated device for attachment to a chaircomprising: a seat 11 including a seat cushion 17 on which an occupant is to be seated and left/right seat sides 18,22,23 provided uprightly at each side end of the seat cushion; a pair of air bags 27 nested on an inner side of each side for enabling themselves to be expanded or contracted by air supplied into or discharged from the inside of the air bag; and, air injection means for providing air pressure to the air bags 27; wherein the expanding air pressure in the air bags presses the pelvis portion of an occupant, wherein the seat has further a first seat back 12 demountably provided at the rear of the left/right seat sides 18,22,23, wherein a flexible fabric 44 is installed round the edge of each fight/left seat side 18,22,23, and each air bag 27 is nested between the flexible fabric 18 and the inner side of each right/left seat side 18,22,23.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urban (U.S. Patent No. 4,145,083). in view of any one of Warburton (U.S. Patent No.

5,123,699), Graebe (U.S. Patent No. 5,461,741), and Barber et al (U.S. Patent No.6,378,947 B1).

Urban teaches the structure substantially as claimed but does not teach a concaved groove at the center thereof where the hips of an occupant is set. However, Warburton, Graebe, and Barber et al all teach such concaved groove at the center thereof where the hips of an occupant is set. It would have been obvious and well within the level of ordinary skill in the art to modify the pelvis remedial device, as taught by Urban, to include a concaved groove at the center thereof where the hips of an occupant is set, since such a groove would help separate the patient's legs, prevent unwanted forward movement as well as prevent the patient from sliding out of the seat, helps control rotation of and or stabilize the pelvis.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins (U.S. Patent No. 6,840,577 B2) in view of Urban (U.S. Patent No. 4,145,083).

Watkins teaches the structure substantially as claimed including a pelvis remedial seated device for attachment to a chair comprising: a seat 100 including a seat cushion 110 on which an occupant is to be seated and left/right seat sides 230 provided uprightly at each side end of the seat cushion; wherein the seat has further a first seat back 130 demountably provided at the rear of the left/right seat sides 230 wherein a flexible fabric is installed round the edge of each fight/left seat side 230, wherein a plural of rubber pads, of which the number depends on an occupant's

contour but does not teach a pair of air bags. However, Urban teaches the concept of a pair of air bags 27 for being nested on an inner side of each side for enabling themselves to be expanded or contracted by air supplied into or discharged from the inside of the air bag; and, air injection means for providing air pressure to the air bags 27; and each air bag 27 capable of being nested between the flexible fabric 18 and the inner side of each right/left seat side. It would have been obvious and well within the level of odrinary skill in the art to modify the pelvis remedial seating device, as taught by Watkins, to include a pair of air bags, as taught by Urban, since the air bags would allow expansion of air pressure in the air bags which would press the pelvis portion of an occupant, provide an increase in the pressure against the femoral region when needed, and provide adjustability to the left and right sides to accommodate various sizes of persons using the pelvis remedial seating device.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban (U.S. Patent No. 4,145,083) in view of any one of Schultz (U.S. Patent No. 5,419,617), Tornero (U.S. Patent No. 5,660,442), and Breen (U.S. Patent No. 5,839,784).

Urban teaches the structure substantially as claimed but does not teach the structure of a chair as define in claims 6-7. However, Schultz, Tornero, and Breen all teach such a chair. It would have been obvious and well within the level of ordinary skill in the art to modify the pelvis remedial device, as taught by Urban, to include such a chair as defined by any one of Schultz, Tornero, and Breen, since the features of the

pelvis remedial seating device could be implemented in an office chair and provide persons with specific physical handicaps to advantages of the device in the working environment.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long et al (U.S. Patent No. 6,098,000).

Long et al teach an obvious use of the structures as claimed.

Claims 9-15 and 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

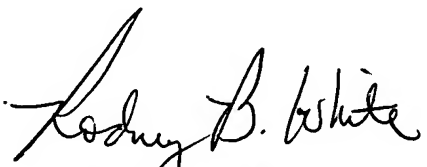
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagashima et al, Katoh et al, Kishi et al, Daniels et al, Rhodes, Jr. Clemens et al, Saitoh et al, Kashiwamura et al, Hashimoto et al, McKinnon, Isono et al, and Huber et al teach methods of use similar to the present invention. Marcus et al, Craft et al, Tornero, Johnson, Treen et a, Omel, Achleitner et al, Cash et al, Feldman , Armstrong, Andres et al, Imaoka et al Furhmann et al, Lonardo, Saloff et al, Geiger, Reher et al, Lubey, Grieb, Tomas et al, Peterson, Sobel et al, Shumack, Jr. Lemens, Yates, Williams et al, Longoria et al, Jay, Green, and Wroble teach structures and concepts similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
October 16, 2006



RODNEY B. WHITE
PRIMARY EXAMINER